IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 4713 of 2007(J)

PETITIONER:

A.ZEENATH,
W/O.S. SHAFI MUSALIAR,
SHAFI MANZIL,
T.K.M.COLLEGE P.O,
KARIKODU.

BY ADV. SRI.E.D.GEORGE

RESPONDENT:

THE SECRETARY,
KULASEKHARAPURAM PANCHAYATH,
KULASEKHARAPURAM,
KARUNAGAPPALLY,
KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4713 OF 2007

Dated this the 12th day of February, 2007

JUDGMENT

The grievance of the petitioner who claims to be partner of M/s.Five Star Enterprises in whose favour the respondent-Panchayat has issued licence for conduct of a cinema theatre, is that even as a suit, OS No.390/06 is pending before the Sub Court, Kollam for cancellation of the document on the basis of which somebody else is trying to get licence the Panchayat is going to issue licence in his favour.

I do not propose to go into the merits of the matter. Since the Civil Court is in seisin of the matter, it is appropriate that the petitioner approaches the Civil Court and gets necessary orders. The Writ Petition will stand disposed of accordingly. In order to enable the petitioner to approach the Civil Court with appropriate petition in the suit which is already pending, there will be a direction to the Panchayat that if licence in respect of Tharangam theatre has not so far been changed to anybody else's name from that of Five Star Enterprises, such change will not be affected for a period of three weeks from today.

PIUS C. KURIAKOSE, JUDGE

btt